

AN ORDINANCE REGULATING MULCH NEAR BUILDINGS

Whereas, the city council declares that pine straw mulch and other decorative landscaping materials are abundant and in common use as ground cover;

Whereas, G.S. 160A-174 provides that a city may by ordinance define, prohibit, regulate or abate acts or conditions detrimental to the health, safety or welfare of its citizens;

Whereas, G.S. 160A-412 provides that duties of a city inspection department (including fire inspector) shall be to enforce within its territorial jurisdiction state and local laws relating to among other things: maintenance of buildings and other structures in a safe, sanitary and healthful condition;

Whereas, the North Carolina Fire Code exempts one and two family dwellings and townhouses (as defined in the North Carolina Residential Building Code) from the requirements of the North Carolina Fire Code;

Whereas, consistent with the North Carolina Fire Code, this ordinance exempts detached single family dwellings and two family dwellings (duplexes) from the prohibition against pine straw mulch being placed within ten feet of buildings with combustible exterior construction;

Whereas, this ordinance regulates townhouses because separate townhouse units are attached with common walls and similar to multi-family buildings persons who reside in townhouse units live in close proximity to one another;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

Section 1. The Durham City Code is amended by renumbering section 46-87 captioned “Violation of code” as section 46-88.

Section 2. The Durham City Code is amended by rewriting section 46-87 to read as follows:

“Sec. 46-87. Use of Pine Straw Mulch.

- a) No pine straw mulch or any other landscaping material with a fire rate of spread more than 24 inches per minute shall be placed within ten feet of buildings with combustible exterior construction.
- b) Exemptions. The word “buildings” in subsection (a) excludes detached one and two family dwellings as defined in the North Carolina Residential Building Code, including Section R101.2, and as amended from time to time. The expression “pine straw mulch” in subsection (a) excludes pine straw that falls from trees located on the same parcel as the building.

- c) The city manager shall adopt a policy to implement this section. The policy shall define “other landscaping material” and “combustible exterior construction”. The policy may include any other provisions designed to effectuate the purposes of this section.”

Section 3. Section 2 above captioned as “Use of Pine Straw Mulch” is effective July 1, 2011. Other provisions of this ordinance shall be in full force and effect from and after passage.

,